

OSWER TRIBAL INTEGRATED WASTE MANAGEMENT INITIATIVE

INTRODUCTION

This guidance outlines the purpose, goals, and general procedures for application and award under the Fiscal Year (FY) 1997 OSWER Integrated Tribal Initiative cooperative agreements. For FY 1997, OSWER in conjunction with the Regions, will award a maximum of \$525,000 in a two year cooperative agreement to each of four Federally recognized tribes/or consortia. Half of the funding will be available in FY-97, and the final amount will be available in FY-98. Project proposals must be mailed to Charlene Dunn, 401 M. Street, S.W. Mail Code 5101, Washington, D.C. 20460. **Proposals must be postmarked no later than April 8, 1997.**

This guidance includes the following:

1. Goals and objectives of the OSWER Integrated Tribal Initiative
2. Eligible Applicants
3. OSWER Program Descriptions
4. Eligible Activities
5. Proposal Requirements/Structure of the Proposal
6. Application Ranking Criteria
7. Measures of Success
8. Process and Time Frame for Reviewing and Awarding Cooperative Agreements
9. Project Period and Final Reports

GOALS AND OBJECTIVES OF THE OSWER INTEGRATED TRIBAL INITIATIVE

- The goal of this grant program is to support, through funding and technical assistance, tribes establishing an integrated waste management program. The integrated program will include management of solid waste, hazardous waste, underground storage tanks and emergency response planning. Although funds for Superfund remedial programs are not included in this program, OSWER has committed, where possible, to providing Superfund remedial program funds for those tribes selected for this initiative (based upon their qualification and available funding). In addition, we will also work closely with those tribes who have federal facility cleanup issues, through our Federal Facilities Restoration and Reuse Office.
- The overall objective will be to support four tribal demonstration pilots in the development and implementation of an integrated waste management program consisting of four areas: RCRA- Subtitles C, D, and I; and SARA Title III. The authorities for these demonstration pilots are RCRA Section 8001 and TSCA Section 10.

ELIGIBLE APPLICANTS

- Eligible applicants include Federally recognized tribes, including Alaskan tribes and tribal consortia.

OSWER PROGRAM DESCRIPTIONS

- Emergency Planning (SARA Title III)

In 1986, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986. The purpose of the Act is to improve the ability of Tribes/States and local communities to protect public health and safety and the environment from chemical hazards.

Under EPCRA, Tribal leaders are required to appoint Tribal Emergency Response Commissions (TERCs), join a Tribal Coalition who functions as the TERC, or establish a Memorandum of Understanding with a State to participate under the State Emergency Response Commission (SERC). Once the TERC is formed, the TERC can either appoint a separate Local Emergency Planning Committee (LEPC) or act as a TERC/LEPC and perform the same functions as a TERC and LEPC respectively. LEPCs receive information on hazardous chemicals present at facilities and on releases of hazardous chemicals from facilities. This information enables the LEPC to analyze hazards and to identify vulnerable areas and population, as well as evaluate the risks of accidents and their effects on the community. LEPCs are required to develop emergency response plans for their communities and review them annually. TERCs supervise the work of LEPCs. Both entities have responsibility for community right-to-know.

Because responders in local communities handle most chemical accidents, the strength of the Title III planning and preparedness program depends on the effectiveness of the local planning process.

- RCRA Subtitles C and D

The Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (RCRA), address waste problems through two primary programs. The RCRA Subtitle C program establishes a system for controlling hazardous wastes, and the Subtitle D establishes a system for controlling solid (primarily non-hazardous) waste such as household garbage. Both programs are essentially preventative in nature; they seek to ensure that wastes do not harm human health or the environment.

Hazardous Wastes

RCRA Subtitle C forms the basis for a comprehensive “cradle-to-grave” hazardous waste management system. Hazardous wastes come in all shapes and forms. They may be liquids, solids, or sludges. They may be by-products of manufacturing processes or simply commercial products. Whatever their form, proper management and disposal of hazardous wastes are essential to protect valuable resources. Thus, the Subtitle C system provides uniform national standards for “waste handlers,” those businesses which generate, store, transport, treat or dispose of materials defined as a hazardous waste under the provisions of RCRA.

Solid Wastes

Subtitle D of RCRA responds to the need for improved management of municipal landfills in the United States. The problems caused by municipal solid waste landfills have become a source of public concern in recent years. As citizens have become more aware of the potential threat to health and the environment from toxic substances, they have also become more concerned about the generation and management of solid waste. To make solid waste management more effective, tribal governments are adopting “a mix” of strategies, often embodied in a single, comprehensive solid waste management plan. Thus, a holistic approach to handling solid wastes involves three important elements: reducing the amount of waste which is generated; increasing the recycling of materials such as paper, glass, steel and plastic--thus recovering these materials rather than discarding them, and; providing safer disposal of trash by improving the design and management of landfills.

- RCRA Subtitle I

In 1984, Congress responded to the increasing threat to groundwater from leaking underground storage tanks by adding Subtitle I to RCRA. This section of the law required EPA to develop a comprehensive regulatory program for underground storage tanks. Congress directed EPA to publish regulations that would require owners and operators of new tanks and tanks already in the ground to do several things: prevent and detect leaks, cleanup leaks, and show financial responsibility for cleaning up leaks and compensating third parties for resulting damages.

The underground storage tank program was designed from the beginning for EPA to administer the program in Indian Country and for states to be the primary implementors in non-Indian Country. A major purpose of this integrated waste initiative is to help tribes build the capability to administer their own underground storage tank programs. Site assessments and remediation of contaminated sites are not eligible activities.

- CERCLA

The Superfund program was enacted by Congress in 1980, amended in 1986, and is now pending reauthorization. The purpose of the program is to respond directly to releases or threatened releases of hazardous substances and cleanup the nation’s worst hazardous waste problems. EPA

may award cooperative agreements to facilitate tribal involvement in site assessment, removal, remedial and enforcement activities in Superfund.

A SUPERFUND PROPOSAL SHOULD NOT BE INCLUDED IN YOUR PROPOSAL AT THIS TIME. IF YOUR PROPOSAL IS ACCEPTED, WE WILL CONTACT YOU REGARDING SUPERFUND APPLICABILITY AT THAT TIME. PLEASE DO NOT ADDRESS CERCLA AT THIS TIME.

ELIGIBLE ACTIVITIES

- Candidate tribes must be willing to accomplish all program goals for their demonstration pilots, which includes developing a cooperative agreement with the assistance of the Regions. Each cooperative agreement will have a regional project officer, supported by Headquarters program staff.
- Examples of specific eligible activities include::

SARA TITLE III

Tribes can establish an operational Tribal Emergency Response Commission (TERC) /Local Emergency Planning Commission (LEPC) and conduct chemical emergency planning activities. The following activities should be conducted in the development of an emergency response plan:

- Conduct an analysis of hazards on or near tribal lands, including both fixed facilities and transportation routes;
- Identify in detail the on reservation/trust and off reservation/trust land resources, both personnel and equipment, available to respond to a chemical emergency;
- Designate a community coordinator and, where appropriate, identify the facilities coordinator to assist in preparing and implementing the plan;
- Describe emergency response procedures;
- Outline procedures for notifying the community that a release has occurred;
- Describe methods for determining the occurrence of a release and the probable affected area and population;
- Outline evacuation plans;
- Describe a training program for emergency response personnel; and

- Present methods and schedules for exercising emergency plans.
- Develop mutual aid agreements with local governments.

In addition to developing an emergency response plan, the LEPC should publish notices and schedule public meetings to give citizens an opportunity to comment on the LEPC's activities. LEPC meetings will provide a forum for discussions of how the reservation/village should address hazardous situations identified during the planning process. The tribe should also conduct a tabletop exercise to test the emergency response plan. In the process of analyzing hazards and response resources, Tribes may decide to pursue an agreement with the SERC to function as an LEPC rather than as a TERC. In this case, the Tribe will be required to submit a draft memorandum of understanding with the appropriate State(s).

RCRA SUBTITLE C HAZARDOUS WASTE MANAGEMENT

- Developing a tribal waste management plan for hazardous wastes on tribal lands and, where appropriate, develop cooperative arrangements with tribal, local and state governmental entities for this purpose.
- Developing tribal codes and ordinances governing hazardous waste management--how the regulated universe in the tribal program compares to the regulated universe in other EPA programs.
- Developing hazardous waste inspection capabilities and inspectors.
- An assessment of the current environmental conditions on tribal lands due to current hazardous waste management practices.
- Develop an adequate infrastructure to carry out hazardous waste management activities.

RCRA SUBTITLE D SOLID WASTE MANAGEMENT

The goal of the RCRA Subtitle D component of this initiative is to develop a tribal solid waste management program. Some of the activities which can be undertaken to accomplish this goal are:

- Identify the tribal authority in solid waste management planning, as well as other governmental entities with authorities for solid waste planning .
- Establish solid waste disposal program ordinance/resolution that prohibits new dumps, provides for the closing or upgrading of all existing open dumps and establishes a tribal regulatory authority to implement and enforce the plan,

- Develop a strategy for encouraging resource recovery and conservation activities, including increasing public awareness through community meetings, school presentations, business interactions; identifying recycling opportunities (collection through material processing and marketing); and identifying areas of potential source reduction,
- Ensure that adequate facility capacity exists to dispose of solid waste generated on the reservation/Alaskan Native Villages in an environmentally sound manner (i.e. through transfer station(s), sanitary landfill development/management, private contract, collection/transportation. Assess current solid waste management practices on the reservation, and assess the quantity and type of waste generated (such as municipal solid waste, special waste, hazardous waste) on the reservation.
- Assess the current environmental conditions within the reservation/Alaskan Native Village(s) due to current solid waste management practices.
- Identify areas of solid waste disposal which may pose a threat to human health and/or the environment.
- Identify and develop strategy to close or upgrade existing open dumps of all sizes. This may include working with other appropriate governmental entities to develop cooperative agreements to close and upgrade existing open landfills.
- Develop strategy to work in coordination with the Indian Health Service on closing/remediating/upgrading those open dumps.
- Coordinate and combine resources with other environmental programs. In particular, coordinate with pesticides enforcement authority, CWA 106 program managers (surface water), ground water protection (non-point source), endangered species program managers, etc.
- Ensure public participation in plan development, regulatory development, facility permitting and open dump inventory. Conduct outreach and environmental education dealing with solid waste.

RCRA SUBTITLE I

- Develop and maintain an accurate inventory of USTs including identification of abandoned USTs.
- Develop tribal codes and ordinances governing USTs.
- Develop capability to perform inspections of USTs and conduct inspections.
- Develop sources of funding to help support the tribal UST program.

- Develop an adequate infrastructure to carry out UST activities.
- Develop leak detection program and inspectors..
- Provide outreach to UST owners and operators on complying with federal underground storage tank regulations..

- **PROPOSAL REQUIREMENTS**

GENERAL

- Eligible tribes will compete for the two year cooperative agreements. A candidate tribe must be willing to accomplish all program goals. All tribes will be considered, regardless of their present stage of development.
- Pilot tribes will develop the cooperative agreement workplan with an EPA Regional Project Officer.
- Headquarters, Regional and Tribal staff will meet at the onset of the cooperative agreement to discuss expectations, etc., and quarterly to assess progress, discuss problems, and offer suggestions, etc. After the pilots have been initiated, Headquarters will assume a consultative role in the process.
- Pilot tribes agree to use their programs as peer exchanges with other Federally recognized tribes.

- **STRUCTURE OF THE PROPOSAL**

Proposals should consist of the following sections:

- * Cover Page
- * Project Overview
- * Budget
- * Response to Evaluation Criteria
- * Attachments

- The cover page should have the following elements: (1) Project title, (2) Location (3) population of the Tribe, (4) project director, (5) mailing address of the project director, (6) telephone/fax number of the project director, (7) tribal chairman's signature.
- The length of the application should not exceed 40 pages.

- The project overview should summarize the overall goals and objectives of the pilot programs.
- The proposed budget should show the distribution of the demonstration pilot funds, including cost estimates for each of the proposed pilot activities. A clear and concise budget is a critical element of this proposal.
- Attachments should be kept to a minimum.

APPLICATION RANKING CRITERIA

The proposal application will be rated according to the following criteria and point system: (Please note: there are 5 sections with each section worth 20 points. The maximum score for an application is 100). Each of the criteria must be addressed.

GENERAL CRITERIA

- 1. (5 Points) The proposal should demonstrate a completeness and clarification of the problem statement and the needs assessment. The application should discuss the effect on the tribe and the value added to the tribal government by the approval of the application.**
- 2. (1 Point) The proposal should discuss how the tribe will get its members involved in the process, the role of the tribal council, etc.**
- 3. (5 Points) A complete design of the proposed program, or a discussion of how the additional funding will augment an existing program must be included.**
- 4. (2 Point) A schedule of key project tasks, and a listing of key project personnel and qualifications, as well as a complete budget proposal describing the proposed use of Federal funds, including a budget breakdown for each year which includes personnel, fringe benefits, travel, equipment, supplies, training, contractual costs, indirect costs, etc. should be included.**
- 5. (2 Points) The proposal should describe how the program will be implemented, the long term benefits of the the proposed program and the expected products. The proposal should also reflect how the program will be funded once funding from EPA discontinues.**
- 6. (3 Points) The proposal should describe the Tribe's current organizational structure, including where the management of the various activities will be located at. The proposal should also include a tribal resolution or a tribal government endorsement of the proposal (e.g. the tribal leader's signature on the letter transmitting the proposal).**
- 7. (1 Point) If known, the tribe should describe any existing or potential environmental**

and/or public health concerns and/or risks of the tribe related to environmental hazards, and describe efforts the Tribe has taken to address these risks (including the activity of other Federal agencies).

8. (1 Point) The recipient tribe should exhibit a demonstrated track record of successfully completing projects and commitments including work funded through previous EPA grants.

SARA TITLE III

Potential Benefit (10 points)-- The proposal should discuss the potential benefit of the proposal to the TERC/LEPC(s). The projects should build Tribal capabilities to improve the effectiveness of the LEPC. The Tribe must demonstrate the appropriateness of addressing the identified problems and feasibility of implementation. The project must list clear and measurable outputs and products, and it must reflect an understanding of the issues and possible difficulties in completing the project.

Priority Need (10 points)-- The proposal should demonstrate a priority need for assistance. Determination of this priority need will consider to the extent feasible, the extent to which chemical accidents pose a risk to the community within the Tribe. Risk factors include population, industrial concentration and transportation routes, natural hazards (e.g. earthquake zones), accident history, and existing preparedness, prevention and response capabilities relative to tribal lands.

RCRA Subtitle C

(5 Points) The proposal should include goals, objectives and results. It provides a description of the work to be performed, the organizations involved and what their roles are. The proposal includes a schedule and milestones. The proposal leverages EPA funds to achieve significantly greater results than would be possible otherwise.

(5 Points) The proposal should discuss the development of tribal codes and ordinances governing hazardous waste management which includes how the regulated universe in the tribal program will compare to the regulated universe in an EPA program, and how the tribal regulatory requirements compare to EPA program requirements.

(5 Points) The proposal should identify how a hazardous waste inventory will be conducted,

including the identification of waste handlers and an assessment of tribal needs and goals to meet those needs.

(2 Points) The proposal should indicate the presence of an administrative office which will house permitting procedures and authority, act as an information repository, and a center for public participation and program outreach.

(2 Points) The proposal should indicate the establishment and/or existing structure of a tribal enforcement and compliance team, along with an inspection schedule, and the potential for partnering with EPA to enhance overall compliance.

(1 Point) The proposal should discuss the establishment and/or existing training component with a training coordinator or technical outreach person responsible for building long term tribal capability to implement an integrated hazardous waste tribal program, recurring program training needs and conducting tribal public outreach and education programs.

RCRA Subtitle D

1. (5 points) The proposal should include goals, objectives and results. It needs to provide a description of the work to be performed, the organizations involved and what their roles are. The proposal includes a schedule and milestones. The proposal leverages EPA funds to achieve significantly greater results than would be possible otherwise (i.e., use of partnerships).

2. (5 points) The proposal should indicate how the project will educate and inform the Tribal population. Deliverables include items such as brochures, manuals, and videos which are effective for the intended audience.

3. (5 points) The proposal should address whether the project is a model for the nation (i.e, first of its kind, innovative). The plans, strategies, or methods described should be transferrable to other Tribal lands. Deliverables should include a manual, guide, or other document which would be used by other Tribes to achieve similar benefits.

4. (5 points) The proposal should include goals, objectives, and should result in most, if not all, of the seven eligible activities listed in the program outline and it should describe the relevant experience, expertise and accomplishments of the applicant in administering cooperative agreements.

RCRA Subtitle I

1. (10 points) The proposal should demonstrate an interest in and a need for a tribal UST program.

2. (10 points) The proposal should demonstrate how the proposed activities, outputs and products resulting from the cooperative agreement will meet the tribal UST needs and will lead toward the development of a tribal UST program.

MEASURES OF SUCCESS (How do we determine that the program has been successful)?
(Do Not Address these in your application)

Some examples may include:

- Completion of draft codes/ordinances in each program area; programs integrated to maximize sharing of relevant data and information, and minimize redundancies.
- The number of new tribal positions filled to support/implement tribal program activities.
- Long term environmental improvements such as the number of disposal facilities with permits, reduction in inspection violations, reduction in illegal dumping, reduction in tribal environmental complaints, or restricted access/cleanup of hazardous waste sites located on tribal lands.
- Number of underground storage tanks inventoried and scheduled for upgrade.
- Number of dumps identified for cleanup and with closure plans developed.
- .
- Demonstrated tribal capacity or capability for emergency planning, etc.
- Documented by the tribe's successful implementation of management systems for the project, completion of specified tasks within the project period, submission of deliverables which document the current status of the project or finalized reports that demonstrate the completion of a task.

- **PROCESS AND TIME FRAME FOR REVIEWING AND AWARDED COOPERATIVE AGREEMENTS**

---- The evaluation team composed of OSWER Headquarters Staff, staff from the American Indian Environmental Office and the Grants Administration Office, along with representatives from the Regions have met to set the guidelines for how the pilot projects will be implemented. The team will assess how well the proposals meet the aforementioned selection criteria, and will select the four pilots.

---- When a proposal is selected, applicants will receive a confirmation letter, and the appropriate Regional project and grants specialist will be informed. The applicant will then be asked to submit

a formal cooperative agreement application package. This package will include a formal work plan that describes the work to be performed, a final budget, and the required certification forms.

---- Applicants with proposals that are not selected will be informed in writing.

Schedule

December 1996	Initial Workgroup Meeting
January 1997	Announcement and Application Completed
February 1997	Application sent to all Federally Recognized Tribes
April 8, 1997	Applications Must Be Postmarked By
April 16, 1997	Workgroup Meets to Discuss Applications
April 29, 1997	Workgroup Selects Pilot Tribes
July/August 1997	Cooperative Agreements Awarded

• PROJECT PERIOD AND FINAL REPORTS

-- Activities must be completed and funds spent within the time frame specified in the grant project period. Project start dates will depend upon the grant award date. The tribe is responsible for the successful completion of the project. The tribe's project manager is subject to approval by the EPA project officer, but EPA may not direct that any particular person be the project manager.

-- All recipients must submit final reports for EPA approval within ninety (90) days of the end of the project period. Specific reporting requirements, including quarterly report requirements, will be described in the award agreement.